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ADMITTED IN N.Y. AND N.J.

February 11, 2016

VIA ECF

Judge William F. Kuntz, II
United States District Court for the
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Daryan Warner, 13-584 (WFK)

Dear Judge Kuntz:

I write on behalf of my client, Daryan Warner, in the above-referenced case. With the consent of the Government, we respectfully seek a modification of the conditions of Mr. Warner's release. Specifically, we request that Mr. Warner be permitted to secure his current bond with the following eight properties in Southern Florida with an aggregate fair market value in excess of \$1,200,000 in exchange for the release of \$600,000¹ in cash that is currently being held as security on his bond:

1. 330 NW 20th Street, Unit 13, Miami, Florida 33126
2. 340 NW 19th Terrace, Unit 60, Miami, Florida 33126
3. 365 NW 19th Terrace, Unit 74, Miami, Florida 33126
4. 370 NW 20th Street, Unit 9, Miami, Florida 33126
5. 415 NW 19th Lane, Unit 21, Miami, Florida 33126
6. 355 NW 19th Street, Unit 75, Miami, Florida 33126
7. 405 NW 19th Lane, Unit 22, Miami, Florida 33126

¹ After removing \$600,000 in cash from the bond, another \$600,000 in cash will remain on the bond, in addition to more than \$1,200,000 in newly added real property.

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8. 400 NW 19th Terrace, Unit 54, Miami, Florida 33126

It should be noted that these properties are owned by DW PROPERTY HOLDINGS, LLC, a Florida limited liability company, of which Mr. Warner and his adult son, Justin Warner, are the sole member-owners. Mr. Warner and Justin Warner have prepared and are ready to file a confession of judgment for each property in favor the U.S. Attorney's Office for the Eastern District of New York upon Your Honor's endorsement of this application and prior to the amendment to the current bond. Justin Warner is prepared to be an additional co-signer on Mr. Warner's bond. Also, I have communicated with Mr. Warner's mother, a co-signer on the bond, and she consents to this application.

The current conditions of Mr. Warner's release are as follows: (1) a \$5,000,000 bond secured by \$1,200,000 cash and co-signed by Mr. Warner's mother; (2) the surrender of Mr. Warner's passports; (3) a location monitoring device placed on Mr. Warner's cell phone; (4) Mr. Warner's travel is restricted to New York County, NY, Queens County, NY, Kings County, NY, Broward County, Florida, Miami-Dade County Florida and periodic business travel within the continental United States upon prior permission from the FBI; (5) Mr. Warner's vehicles located in Miami cannot be sold without prior permission of the Government; (6) Mr. Warner executed a waiver of extradition; (7) Mr. Warner is required to report to the FBI in a manner and frequency determined by the case agents. Mr. Warner does not seek any other modification of his bond, other than substituting \$1.2 million worth of real estate for \$600,000 in cash currently supporting the bond.

As it stands now, Mr. Warner is in compliance with the all of the ongoing conditions of his release and has been for more than three years. Mr. Warner seeks this modification so that he may continue to earn a living and support his family while he awaits resolution of the instant matter.

Should the Court have any questions, we stand ready to assist. Thank you for your courtesy in this and all other matters.

Very truly yours,



Benjamin Brafman

cc: AUSA Paul Tuchmann (via e-mail)

The application is ☒ granted.
SO ORDERED ☒ denied.

s/WFK


William F. Kuntz, II, U.S.D.J.

Dated: Feb. 16, 2016
Brooklyn, New York